**IN THE HIGH COURT OF JUDIATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.9858 OF 2004**

Tatoba Savala Shinde .. Petitioner.
Vs.
Parubai Dattu Shinde & Ors. .. Respondents.

Mr.S.S.Kulkarni for the petitioner.

**CORAM : D.B.BHOSALE, J.**

**DATED : 17TH DECEMBER, 2004**

P.C.:

. Heard Mr.Kulkarni, learned counsel for the petitioner.

2. This petition is directed against the order dated 28.10.2004 by which the trial court has allowed the application filed by the respondents-plaintiffs seeking appointment of a Court Commissioner for recording evidence of respondent no.1-plaintiff. That application has been allowed by the trial court holding that respondent no.1 is unwell and, therefore, in the interest of justice, appointment of the Court Commissioner for recording her evidence is necessary. To my mind the court below has rightly allowed the application for the reasons recorded in

the impugned order. I find no reason to interfere with the discretionary order passed by the court below. The writ petition, therefore, fails and is dismissed as such.

**(D.B.Bhosale, J.)**